IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8045 of 2005

Between:

G. Balaiah, S/o. China Siddaiah,
Shop No.11, Door No.10/505, Markapur Town, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Markapur Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or a direction, more particularly one in the nature of writ of Mandamus declaring the proceedings of the Revenue Divisional Officer, Markapur, in D.Dis.No.(H)/2248/2004, dt. 13.12.2004 and the consequential orders of the Joint Collector, Prakasam District, in D.Dis.(CS2)/5291/2004, dt.1.3.2005 as being arbitrary, illegal, unresonable apart from being violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8045 OF 2005

ORDER:

The petitioner is a fair price shop dealer of shop No.11 of Markapur Town. The authorization of the petitioner was cancelled by second respondent by proceedings dt.13.12.2004. Aggrieved by the same, petitioner carried the matter by way of appeal under Clause 20 of the Andhra Pradesh State Public Distribution System (Control) Order, 2001 (for short, the Control Order). The same was also dismissed by impugned proceeding dt.1.3.2005, which is assailed in the Writ Petition.

The Control Order provides for effective alternative remedy by way of revision to the District Collector. The petitioner has not availed the same. Therefore, it would not be proper for this Court to go into merits of the case.

While ordering status quo for a period of two weeks, the Writ Petition is disposed of giving liberty to the petitioner to file revision under Clause 21 of the Control Order before the District Collector and also move an application for appropriate interim orders. As and when such revision is filed, the District Collector shall deal with the same and pass appropriate orders in the revision as well as in the application for stay.

The Writ Petition with the above observations and directions is disposed of. No costs.

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(V.V.S.RAO, J)

4.7.2005

bnr

Note:CC by 6.7.2005.

(B.O)

bnr

To

1 The District Collector, Prakasam District, Ongole

2 The Joint Collector, Prakasam District at Ongole.
3 The Revenue Divisional Officer, Markapur, Prakasam District.
4 The Mandal Revenue Officer, Markapur Mandal, Prakasam District.

5 2 CCs to the G.P. for Civil Supplies, High Court Bldgs., Hyderabad

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